

THE
L I F E
A N D
PENITENT DEATH
O F
John Mawgridge, Gent.

Who was Executed for the
Murder of Captain C O P E.

contain'd from his own Account of himself, and approv'd
of by him, before his Death.

W H E R E I N

contain'd a true State of the Case of the Murder for
which he dy'd ; with an Account of the Tryal, and
the Judges Opinions upon the *Special Verdict* ; with
his own Sentiments of that Matter. His Escape out
of the *Queen's-Bench* : How he liv'd in *Flanders*, and
was brought over ; with his farther Usage to his Ex-
ecution. His Manner of Behaviour during his last
Imprisonnement. With *Reflexions* on the Whole.

He was Executed April 28. 1708.

L O N D O N :

83

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the Water-side. For the Benefit of the Poor. 1708.

TO THE R E A D E R.

IT will be necessary to inform the Reader, that the following Sheets were penn'd by the Consent and Approbation of the deceased Mr. Mawgridge; and that the Gentleman that writes them, was one to whom Mr. Mawgridge disburthen'd his whole Conscience, and confess'd to him all the Particulars of his Life, that he thought necessary to enquire into. He had often Conversation with him, during his former Imprisonment in the Queen's Bench, Michaelmas Term, 1706. And since his last Confinement in Newgate, constantly visited him, and had the Opportunity to observe all his Motions, and to dive even into the Bottom of his Soul, and all his Intentions. And so accordingly, as he found him inclinable to a hearty and sincere Repentance, he furnish'd him with such Books, as he thought might be necessary to assist him in so good a Work. which he found him improving in daily: For he never visited him, but still discover'd fresh Marks of Piety and Repentance in him, his Eyes had been constantly water'd with Tears for his Sins which he was so far from being fond to shew to any, that he endeavour'd all he could to hide them from every Body; and, upon the Account, us'd to put upon himself all the Airs of Pleasantry imaginable So that in Conversation, he shew'd much less of a dying Man, than any in his Company; but drank a Glass of Wine freely, smoak'd his Pipe, talk'd of indifferent Matters, with all the Unconcernedness in the World; and only desir'd his Company not to talk loosely, or profanely, or take the Name of God in vain; which he utterly abhor'd to hear, and protested against as a most detestable Sin.

I hope it may not here be taken amiss, to acquaint the Reader, that I told the Author of this, He had given no Account of Himself to the Ordinary of Newgate; and the Reason, he said, why he was not willing to give him any private Satisfaction, as to his Life and Conversation, so often importun'd by him, was this, That he had not a Mind to be the Sport and Ridicule of vain idle Fellows in Coffee-Houses; who only laugh at unfortunate dying Men, who are frighted into a Confession of their private Sins; which he was satisfy'd in his Conscience, he was oblig'd to confess to none but his Heavenly Father, who knew the Secrets of his Heart. And he said, he was farther satisfy'd in this Matter, from the Right Reverend Father in God, the Bishop of Salisbury; who, when he came to visit Mr. Bayly, pray'd with him several Times, and comforted him very much, as to his State and Condition; which he in short, represented to the Bishop, agreeable to what is fully done here, in the following Sheet. Which I have the Presumption to think, will give intire Satisfaction to the worst of his Enemies; please the Charitable and Indulgent Reader, and be a Means to instruct and convert the Wicked and Prophane.

T H

THE
 LIFE
 AND
 PENITENT DEATH
 OF
 Mr. Mawgridge, &c.

JOHN Mawgridge, (the Subject of our following Story) was born in St. Margaret's, Westminster, in the Year 1676. He was the Son of Major Mawgridge, Drum-Major of England; and his Mother was of good Family in Kent. His Ancestors have ben employ'd constantly in the Service of the Crown, ever since the memorable Camp at Tilbury, in the Reign of Queen Elizabeth. His Father brought him up carefully at School; where, as he himself said, he was a very unlucky Boy, being given to all the wild Frolics imaginable, as breaking of Windows, throwing Stones in the Street, and Squibs upon all publick Days, when that foolish Custom was in Use, and not restrain'd by a Law. He was naturally addicted to be quarrelsome from a Child, and was so mischievous that Way, that he escap'd the Misfortune of killing many Persons by his unlucky Pranks at several Times; insomuch, that his Master was tir'd out with him at School, and was glad to be quit of him; which made him leave his Learning sooner than was other ways design'd.

Being naturally inclinable to Musick, his Parents were in Hopes, he might have been a good Proficient therein; but keeping much Company among the Soldierie, he took a particular Fancy to the Kettle-Drum; which, by the Advantage of an extraordinary Ear, made him the greatest Master that Way, of any we have had in this Nation. This recommended him to the Guards, where he met with very loose Company; and being of a Martiall Disposition, he was at that Time best pleas'd with such like Conservation, where Noise and Debauchery makes the most acceptable Part of Entertainment. Here it was he gaye a Loose to his Desires, and the Jollity of his Temper, together with the Hardiness of his Constitution, and that daring Boldness he was Master of and whiclh nothing but Death could conquer,

made him undertake many Extravagancies, which could not easily have been surmounted by an ordinary Capacity.

H was always fond in his Youth, of the Accomplishments of a Rake; and was much given to the Company of the common Women of the Town; which he pursu'd so much, that it gain'd him the ill Character of a Bully; which his extravagant Passion rather fix'd upon him, than any Sordidness in his Temper, to deserve so vile and Odium: For tho' he was hot, he was naturally generous and compassionate, and apt to forgive, as he was to offend. The Pride of his Courage and his Strength, hurry'd him beyond his Reason, to think those Things heroick and brave, which really were insulting and base. Thus we have known a Sort of Men, that have cheated and deceiv'd themselves in the Notions of Things; and so have divindled from Gallantry, to meer Knight Errantry.

This was certainly the Case of Mr. Mawgridge, as I doubt it is of a great Many of our fine Gentlemen about Town. He was mistaken in his Notions of Honour, as he was very sensible at his latter End, by his sincere Sorrow for his Sins, and his Christian Pity and Compassion for all such as should be led aside, as he had been, for Want of cool Thinking, and serious Reflexion on the past Actions of their Lives. For by his precipitate and foolish Passion, as he often call'd it, he had often attempted his most intimate Cronies, and such as them he call'd his dearest Friends: Some he had wounded in the Thighs, some in their Arms and Bodies, but none ever mortally before; and he protested, that he never had done any Thing of that Kind, with Rancour and Malice, but thro' the Violence of his Passion, which he said was always impetuous and ungovernable, upon the least Provocation or Affront.

And here it may not be impropter to free his Memory from that uncharitable Aspersion so universally cast upon it; viz. That he actually kill'd a Woman, some say two, by the throwing of a Bottle out of Coach near Somerset or Bedfors House in the Strand; when he positively insisted upon it to his dying Hour, that there was never any such Thing done by him in his Life, but that the Ground of that Report was rais'd from his beating a Jewd Woman in the Coach, for Poxing a Friend of his, as he call'd him; but he said he neither bruis'd nor wounded the said Woman, but only lash'd her soundly with a small Cane he had provided for that Purpose.

But, before he had forsaken his irregular and wicked Course of Life, he marry'd his present Widow, Mrs. Barbara Mawgridge, Sister to Sir William Calpepper, Baronet, one of the best Families in Kent, by whom he had two Children, which are both dead; which, under his last Sentence, he thought one of the greatest Blessings that God had shewn to him; tho', at the Time of their Death, he esteem'd it otherwise; but now was glad, that they did not live to bear the Reproach of their Father's Ignominy: And he comforted himself with the Hopes, that the World would not be so barbarous and unchristian, as to revict his Sufferings upon his virtuous and honest Wife whom he had but too much injur'd before, tho' she appear'd to look upon him with all the endearing Fondness of a tender Wife, to the kindest and most obliging Husband.

The

They had not liv'd so plentifully together as they might have done in their Circumstances, by Reason of his Extravagancies in keeping much Company; which he lov'd, being himself a facetious sprightly Man, and therefore he dispos'd of his Kettle-Drum, in Order to put some Money in his Pocker, and buy a Lieutenancy with Part of the Money, in a Marching Regiment; which he had contracted for a small Time before this Disaster.

Therefore, to free the Reader from the Impertinences of relating the farther Trifles of his Life, that have nothing of Moment or Concern to the living World, I shall proceed to the true State of the Case of the Murder of Capt. Cope, according to Mr. Mawgridge's dying Account. On the 7th Day of June, 1706. Capt. Cope, having got a Lieutenant's Commission in the Guards, invited several Officers to Dinner at the *Dolphin* Tavern in Tower-Street, that being the first Day he mounted the Guard. Capt. Travell, who was one of the Gentlemen invited, took Mr. Mawgridge along with him thither; assuring him, he should be as welcome as any of the Company. When Dinner was over, and the Reckoning discharged, of which Mr. Mawgridge pay'd three Half-Crowns for his Share, one Capt. Oakley, who was in the Company, and had two Women along with him, finding they were dispos'd to drink more, went out of the Tavern with the Women, and as they were getting into the Coach, Mr. Mawgridge follow'd after them, and desir'd they would set him down in the City, he having some Business to do there; but the Women refusing to admit him, Capt. Travell follow'd him, and catch'd him by the Sleeve, saying, *He must go to the Guard-Room at the Tower, to drink a Glass of Wine with Capt. Cope there.* Mr. Mawgridge would have excus'd himself, but the Captain would not be satisfy'd 'till he went. The Company there, were Capt. Cope, Capt. Brocker, Capt. Travell, Mr. Martin, and Mr. Mawgridge. When they came to the Tower-Guard, Capt. Cope call'd for two Bottles of Wine, which were brought; and as they were drinking, a Coach came to the Guard-Room-Door with a Woman in it, who was a known Woman of the Town. She ask'd for Capt. Cope; the Captain came presently to the Coach with Mr. Mawgridge, and brought her into the Guard-Room, the latter paying her Coach-hire; and afterwards sitting down by her, she told him, she did not like his Face, and so remov'd towards Capt. Cope; then Mr. Mawgridge broke a Bisket, and took some of the Bread, which he fillup'd at her; and told her, *If she lik'd him not, to give him his Shilling again which he pay'd for Coach hire.* Upon this, Capt. Cope pay'd the Shilling; and then the Woman gave Mr. Mawgridge sawcy Language; and he told her, *She was a Bitch, and came for nothing, but to jilt Capt. Cope.* The Captain, at that, grew angry, and challeng'd Mawgridge out. But Mawgridge answer'd him, and said, *It was not proper for him to fight an Officer upon his Guard.* Then Capt. Cope and the Woman reproach'd him, and told him, *He was a Coward.* Upon this, Mawgridge threw the Bottle, and hit the Captain; which he return'd, and wounded Mawgridge: Then they both drew; and Mr. Martin, a Fencing-Master, interpos'd, and clapp'd his Hand upon Mawgridge's left Shoulder, and held him behind a Chair, with his Back against the Wall. In the mean

Time, Capt. Cope advanc'd to Mawgridge, who stabb'd him over Mr. Martin's Shoulder, whereof he dy'd.

This is what Mr. Mawgridge insisted on, the last ; and, what is very observable, said, That what Mr. Martin and the Woman swore concerning his challenging Capt. Cope, were the very Words that Cope said to him ; and farther alledg'd, that Capt. Travell actually depos'd at his Tryal, That Capt. Cope and he both drew together ; tho' the Woman swore his Sword was not in his Hand : And so did Martin, whose Back was towards Capt. Cope all the while, holding Mawgridge against the Wall.

And now I shall give you the Case of the *Special Verdict*, as it was drawn up by the Prosecutor's Counsel, without the rehearsing of one Tittle of Mawgridge's Evidence on the other Side ; which is supposed a Failling in Mr. Mawgridge's Lawyers not attending the drawing up of the *Verdict*.

" At the Sessions of the Peace for London, the 11th of July, in the 5th Year
" of the Queen, John Mawgridge, Gent. was indicted, for that on the 7th
" of June, in the same Year, he did feloniously, voluntarijly, and of his
" Malice fore-thought, make an Assault upon William Cope, Gent. and with
" a Sword on the left Part of his Breast, near the left Pap, did him strike
" and pierce, giving him thereby a mortal Wound, of which he the said
" William Cope did instantly die. Which Indictment being deliver'd to
" the Justices of Goal-Delivery, he was arraign'd thereupon, and pleaded
" not Guilty.

The Jury found this *Special Verdict*,

" That William Cope was Lieutenant of the Queen's Guard in the
" Tower, and the principal Officer then commanding there, and was then
" upon the Guard in the Guard-Room ; and that John Mawgridge was
" then and there, by the Invitation of Mr. Cope, in Company with the said
" William Cope, and with a certain Woman of Capt. Cope's Acquaintance ;
" which Woman Mawgridge did then affront, and angry Words pass'd be-
" tween them in the Room, in the Presence of Capt. Cope, and other Per-
" sons there present ; and Mawgridge there did threaten the Woman.
" Capt. Cope did therewith desire Mawgridge to forbear such Usage of the
" Woman, saying, That he must protect the Woman. Thereupon Maw-
" gridge did continue the reproachful Language to the Woman, and de-
" manded Satisfaction of Capt. Cope, to the Intent to provoke him to fight.
" Thereupon Capt. Cope told him, 'Twas not a convenient Place to give
" him Satisfaction ; but at another Time and Place, he would be ready to
" give it to him ; and, in the mean Time, desir'd him to be more civil,
" or to leave the Company. Thereupon John Mawgridge rose up, and was
" going out of the Room ; and so going, did suddenly snatch up a Glasse
" Bottle, full of Wine, then standing upon the Table, and violently threw
" it at him the said Capt. Cope, and therewith struck him upon the Head ;
" and immediately thereupon, without any Intermision, drew his Sword,
" and thrust him into the left Part of his Breast, over the Arm of one Ro-
" bert Martin, notwithstanding the Endeavours us'd by the said Martin to
" hinder Mawgridge from killing Capt. Cope ; and gave Mr. Cope the

" Wound

"Wound in the Indictment mention'd, whereof he instantly dy'd. But the "Jury do farther say, that immediately, in little Space of Time, between "Mawgridge's drawing his Sword, and the givin the mortall Wound by "him, Mr. Cope did arise from his Chair where he sat, and took another "Bottle, that then stood upon the Table, and threw it at Mawgridge, "which did hit and break his Head: That Capt. Cope had no Sword in his "Hand drawn all the while; and that after Mawgridge had thrown the "Bottle, Mr. Cope spake not. And whether this be Murder or Man Slaugh- "ter, the Jury pray the Advice of the Court.

The Record of this being remov'd into the Court of Queen's Bench, the Case was argu'd before all the Judges; and they were all, except my Lord Chief Justice Trevor, of Opinion, That Mawgridge was Guilty of Murder. And I cannot but think it necessary here, to shew some of their Arguments that induc'd them to give that Judgment.

In all Indictments for Murder, a Man is not charg'd, positively, that he did murder the Person slain, but that he *ex malitia præcogitata, in ipsum insultum fecit, ac cum quodam gladio;* he gave him a Wound, whereof he dy'd: *Et sic ex malitia præcogitata ipsum murdravit:* So the Murder is charg'd upon him, by way of Conclusion, and as a Consequence from the antecedent Matter that is positively alledg'd. To come close to a State of the present Question, it doth appear, that Mawgridge threw the Bottle at Mr. Cope, without any Provocation given to him; for the Difference was between him and the Woman that was there, in Company; and his Behaviour was so rude and distastful, as did induce Capt. Cope to desire him to leave the Room, where he was only a Guest to him, and thereby his Permission. This Cope might reasonably do; which could be no Cause to provoke Mawgridge to make the least Assaut upon him: Therefore I shall maintain these three Positions.

First, That in this Case, there is express Malice, by the Nature and Manner of Mawgridge's throwing the Bottle, and drawing his Sword immediately thereupon.

Secondly, That Mr. Cope's throwing a Bottle at Mawgridge, whereby he was hit and hurt, before he gave Mr. Cope the mortal Wound, cannot make any Alteration in the Offence, by reducing it to be of so low a Degree as Man-Slaughter.

Thirdly, I shall consider what is such a Provocation, as will make the Act of Killing to be but a Man Slaughter only.

First, Here is express Malice, that appears by the Nature of the Action: Some have been led into Mistake, by not well considering what the Passion of Malice is: They have constru'd it to be a Rancor of Mind lodg'd in the Person killing, for some considerable Time before the Commission of the Fact; which is a Mistake arising from the not well distinguishing between Hatred and Malice. Envy, Hatred, and Malice, are three distinct Passions of the Mind.

Envy properly is a repining, or being griev'd at the Happiness or Prosperity of another.

Hatred, is a Rancor fix'd and settl'd in the Mind of one towards another; which admits of several Degrees. It may arrive to so high a Degree, and may carry a Man so far, as to wish the Hurt of him, tho' not to perpetrate it himself.

Malice, is a Design form'd of doing Mischief to another. He that designeth and useth the Means to do Ill, is malicious. If one doth such a Mischief on a Sudden, that is Malice prepens'd. Therefore, when a Man shall, without any Provocation, stab another with a Dagger, or knock out his Brains with a Bottle, this is express Malice; for he designedly and purposely did him the Mischief. This is such an Act, as is malicious in the Nature of the Act it self, tho' it be sudden.

I come now to consider, whether Mr. Cope's returning a Bottle upon Mawgridge, before he gave him the mortal Wound with the Sword, shall have any Manner of Influence upon the Case. I hold not: For first, Because Mawgridge, by his throwing the Bottle, hath manifested a malicious Design. Secondly, his Sword was drawn immediately, to supply the Mischief which the Bottle might fall short of. Thirdly, The throwing the Bottle by Capt. Cope, was justifiable and lawful; and tho' he had wounded Mawgridge, he might have justify'd it in an Action of Assault and Battery; and therefore cannot be any Provocation, to Mawgridge, to stab him with a Sword.

I come now to the third Matter propos'd; which is, to consider what is in Law such a Provocation to a Man to commit an Act of Violence upon another, whereby he shall deprive him of his Life, so as to extenuate the Fact, and make it to be a Man-Slaughter only. First, Negatively, what is not. Secondly, Positively, what is. First, No Words of Reproach or Infamy, are sufficient to provoke another to such a Degree of Anger, as to strike or assault the provoking Party with a Sword, or to throw a Bottle at him, or strike him with any other Weapon, that may kill him: But if the Person provoking, ~~but~~ thereby kill'd, it is Murder.

If one Man be trespassing upon another, breaking his Hedges, or the like; and the Owner, or his Servant, shall, upon Sight hereof, take up a Hedge-Stake, and knock him on the Head; that will be Murder, because it was a violent Act beyond the Proportion of the Provocation. But here, in the Case of Mawgridge, it is quite different: He had not the least Provocation from Capt. Cope, until after he had made the first and dangerous Assault, and then pursu'd it, with the drawing his Sword to second it, before Mr. Cope return'd the other Bottle.

Have in these Particulars, shew what is not a Provocation, to alleviate the Act of Killing, so as to reduce it to be but a bare *Homicide*, I will now shew what are always allow'd to be sufficient Provocations: As first, If one Man, upon angry Words, shall make an Assault upon another, either by pulling him by the Nose, or filling upon the Forehead; and he that is so assaulted, shall draw his Sword, and immediately run the other through, that is but Man-Slaughter: For the Peace is broken by the Person kill'd, and with and Indignity to him that receiv'd the Assault. Be-

sides, he that was so affronted, might reasonably apprehend, that he that treated him in that manner, might have some farther Design upon him. Again, when a Man is taken in Adultery with another Man's Wife, if the Husband shall stab the Adulterer, or knock out his Brains, this is bare Man-Slaughter.

But this Case bears no Proportion with those Cases adjudg'd to be only Man-Slaughter; and therefore the Judges determin'd, that *Mowridge* was guilty of Murder.

The next Thing I shall proceed to, is, his Escape out of the *Queen's-Bench*, during the Time that the Judges had his Case under Determination. Upon the *Habeas Corpus*, to remove the *Special Verdict* into the Court of *Queen's-Bench*, Mr. *Mowridge* was brought over to that Prison; where, after two Months Imprisonment, or thereabout, and having bought off his Irons, excepting a Horse-Lock about his Leg, he effected his Escape, after this Manner: First, He had prepar'd a Number of Screws to fasten into the Wood, as he had Occasion; and when he had made such Tryals of them, as was necessary, he set about the Work thus: He went down the House of Office, which was about eight or ten Foot to the Mire, thro' which he crept out; and on the outside he had Pales to climb up, of thirty or forty Foot high, which he ascended, by reason of their Straitness, and having Ledges on that Side to hold them together. But when he came near the Top, those Ledges were wanting, and he could never have proceeded farther, had it not been for an Accident of the Wind, that happen'd but the Night before, and had blown them asunder near the Top, so that he crept through, and then had a House to climb over after; on the other Side of which, he was receiv'd by two of his Friends; one of which, was Mr. *Finley*, the Tumbler, at whose House he lay that Night; and then made the best of his Way down the River below *Groves-End*, where he went on Board a *Danish* Ship, and sail'd for *Denmark*; then came from thence to *Holland*, and so to *Flanders*; where at *Ostend* he went on Board a Privateer, and there serv'd a whole Summer; during which Time he was twice wounded, and once dangerously, by the French. He said, it was very unfortunate, that considering the Harships he had undergone from his leaving *England*, to his Return, that he should survive them, having had a severe Palsey, that had seiz'd him on his Left Side; but he was satisfy'd, it was God Almighty's Appointment, that he should come to an ignominious Death, since he had so wonderfully escap'd, and had been preserv'd from such imminent Dangers since. But that which gave him entire Satisfaction in his last Imprisonment, was, the Course of Life that he had led during his last Year's Liberty; and when he had as good an Assurance of a long Life, as any Body, he said, all that Time he was perfectly a New Man: He had overcome the Violence of his Temper, and made his Passion hearken to his Reason; that he was sure he could lie down contentedly in the Channel to be trod upon, rather than commit a rash Action. He had perfectly freed himself from the Habit of Curseing and Swearin, Drinking, Whoring, and the like Enormities he had too often submitted to. It was a Time of Probation allotted him, and he thank'd God heartily for it.

A little before his being Taken, he was put to very hard Shifts for Necessaries to support himself, being relolv'd to starve, rather than do a dishonest Action to live; for which Reason, he absolutely refused to go over to the French; though, as he declar'd, he was prompted to do it by Capt. Twisden; to whom, for Want, he discover'd himself; and who afterwards, as he call'd it, betray'd him to Capt. Lloyd; who, for the Lucre of Fifty Pounds, brought him over from his City of Refuge. This he insisted hard upon for a long Time, because, he said, they had no lawful Call to touch him, either from God or Man. For the Laws of God allow'd Cities of Refuge for the Man-slayer, which he never would submit to own himself more; and the Laws of Man never permitted that one Nation should interfere with the Laws of another. But this Plea did not help him there, nor afterwards, but he was committed to the Dungeon at Ghent, where he was Taken; yet there was an Officer of the Garrison, who daily relief'd him, while he stay'd, with a Dish of Meat, and a Bottle of Wine; which he gratefully remember'd as long as he liv'd.

From Ghent he was remov'd to Ostend, in Order to his Embarkation for England; and there he was confin'd to a dark Hole, where he lay every Night Ankle-deep in Water, and had the continual Stench of all the Drains in the Town under his Nose, which had been enough to have kill'd any Man not appointed to die as he did. From Ostend he was brought to Dover-Castle, and from thence to Newgate, where he lay in the Condemn'd-Hole for ten Days, and then got Favour of the Keeper to be in a comfortable Room, compar'd to a Dungeon. And here it may be necessary to observe to the World, who have got the Report, that he liv'd very loosely, talk'd idly and prophanely, and drunk hard during his Passage over from Flanders to England; that he solemnly declar'd, it was all falsely laid to his Charge; for that he was very Serious and Devout all the Time, only that he took the Liberty of a Glass of Brandy sometimes, to keep up his Spirits, and a Pipe of Tobacco now and then, being us'd to it a great Part of his Life. He often made mention of those that betray'd and took him, saying, *Had not this Blood would be requir'd at their Hands;* but never blam'd Sir John Cope for his vigorous Prosecution of him; but shook his Head, and said, *It was hard,* when he was told, that Sir John had desir'd Mr. Mawgridge might not have the Disposal of his own Body, saying, *Sure his Malice won't pursue me after Death; the Avenger cannot follow me in the Grave.*

From the Time that he was committed last to Newgate, to his dying Hour, he devoted himself to Religion, and desir'd all his Friends to assist him in every Thing that might make his Passage comfortable, and tend to his everlasting Advantage. He had compos'd his Thought's so much from the very first, that he seem'd to have conquer'd Death with greater Ease than most People imagine it to be done; and seem'd so entirely settl'd and resign'd to the Will of God, that nothing on Earth could now ruffle his Temper, or discompose his Mind. And tho' he had no Notice given him, nor did he expect to be call'd up to the Queen's-Bench Bar, to receive

ceive his Sentence the first Day of the Term, he went with all the Unconcernedness possible. When he was ask'd what he had to say, why Sentence of Death should not pass upon him? He answer'd, a great deal, if the Court would give him Leave: As first, That his Indictment was laid wrong, he being try'd in London, when the Fact was committed in Middlesex. And then secondly, That the Jury had taken no Notice of what his Evidence had said in their *Special Verdict*. To which the Court replied, It was too late then to make any such Plea; for that he had broke Prison, and by that means had lost the Opportunity of pleading that in proper Time. Then Sentence was pronounced upon him, and he immediately spoke these Words aloud, *Gods Will be done; I expected no less, and am prepared for it.* Which some People reflected upon, and said, was Impudent and Sawcy; which I shall leave to the Impartial Reader to judge.

When ever I us'd to attend him, which was very frequent, I still found him easy under his Circumstances, and free from railing or reviling on his Prosecutors; but was of Opinion, it would not have gone so hard against him, had he been in the Kingdom when the Judges gave their Opinions; because, tho' his Passion was outragious against Capt. Cope, he persisted to say, he believed the Captain had unavoidably killed him, if he had not done what he did: And then said he, *I am satisfy'd the Captain would not have suffer'd for it, as he was like to do.* One in his Company once speaking a little hastily of his Judges, he reprimanded him, and said, *We must judge charitably, least we our selves be judged;* that he himself had absolutely forgiv'd all the World; and all his Business now, was to supplicate God in like manner to forgive him. He seem'd not to be desirous of Lite at all, but only that he might satisfy the uncharitable Censure of most People against him, by the future Conduct of his Life.

After his Dead Warrant was come down, his Wife persuad'd him to let her prefer a Petition to the Queen for his Transportation, and that she might be transported with him. He had no Opinion at all of the Matter, but suffer'd her to go and present it. And because it was something singular, I think it may not be amiss to transcribe it.

To the Queen's Most Excellent Majesty.

The humble Petition of *Barbara Mawridge.*

Sherweth,

THAT whereas your Majesty's Petitioner's Husband, *John Mawridge*, lies now under Sentence of Death for the killing Captain Cope, in a sudden Quarrel, occasion'd by an ill Woman brought into Company by the said Capt. Cope. And whereas Your Majesty's Petitioner's

" her's said Husband was an absolute Stranger to the aforesald Captain,
" nor had any Knowledge before-hand of the Meeting, wherein this un-
" happy Accident was committed. And for as much as the judicial Law
" of God, upon which the Laws of Man are, or ought to be founded,
" in Cases of Murder, does not pronounce this Fact of Your Petitioner's
" Husband's to be wilful Murder, as may be read in the 35th Chapter of
" Numbers : But if he thrust him suddenly, without Enmity, &c. or have
" cast upon him any Thing, without laying of Wait; or with any Stone,
" wherewith a Man may die, and was not his Enemy, &c. Then the
" Congregation shall judge between the Slayer and the Revenger of
" Blood, &c. He shall be sent to his City of Refuge, &c.

" Therefore Your Majesty's Petitioner humbly hopes, Your Majesty's
" Grace and Goodness may extend to the Life of Your Majesty's Petition-
" er's Husband, in permitting him to be transported, with Your Peti-
" tioner, to any of Your Majesty's Plantations, he having never been
" guilty of any Thing of this Nature before, without breaking thro' the
" Laws of God, or those of Justice and Equity, so inseparable from Your
" Majesty's Person and Government. And as the Mercy of God is above
" all his other Attributes; so Your Majesty's Petitioner hopes Your Ma-
" jesty will, in Mercy, grant Your Petitioner Relief in the Premises.

And Your Majesty's Petitioner shall ever pray, &c.

The Thing that gave him mighty Content and Satisfaction, as to his own paricular Case, as he often express'd with Pleasure, was, the Texts of Scripture already mention'd in the Petition; which lie himself had ob- serv'd, in reading over the Scriptures, since his last Imprisonment. When he found his Petition had no Effect, he was not at all concern'd, nor did he accuse any Body; but his cheerfulness encreas'd as he grew near his latter End; and he was, more than ordinary, confident of his Eternal State; which he told me, he was perfectly satisfy'd about, by reason he had had Time to know the Sincerity of his own Heart; and that his former Repentance was unfeign'd, since he had made a right Use of the Liberty that God Almighty had, in infinite Mercy, afforded him, in order, as he doubted not, for his Eternal Salvation.

The last Time I saw him, was, the Day before his Execution, and then he was at Dinner, and fed very heartily, telling me, that was the last Vi- tuals he should eat, and blessed God as heartily; then he called for a full Glass of Claret, and drank to our happy Meeting in the next World, with as much Alacrity, as a Bridegroom drinks to the happy Minute. After his Claret, he drank a Dram of Brandy, and then said, *I doubt not but to be as cheerful and well pleas'd, as I thank God I am this Moment, the Minute I shall pull the Cap over my Eyes, to bid them from the World forever.* I ask'd him here, if all that he had said to me, and some others that visited him with me, were true; and to be depended upon? He answered, and said, *Yes, I assure you they are true, as I expect Salvation at the last Day;* and then he deliver'd to me his last Confession and

Admonition,

Admonition, saying, *He hoped his Death might be of more Use to the World, than his Living;* and so wishing me an eternal Farewell, and I him a joyful Resurrection, we parted for ever, leaving him with Joy and Transports sparkling in his Eyes, while Tears overflow'd mine.

The morning of his Execution, a Friend of mine saw him, when he appear'd as fresh and gay as ever, saying, *He would give him the Maiden-head of his Beard; for now Death was over with him, since he had overcome the Conflict of Flesh and Blood, in parting with his Wife.* He received the last Sacrament with Mr. Mawgridge. After which, came several Divines to him, and told him of the Heinousness of the Sin of Murder. He told them, *He was well satisfy'd in his own Conscience; for that the Bishop of Salisbury had given him great Comfort, as to his State and Condition; and that he died perfectly easie and contented.*

The Remaiader of what he said, was as follows; which he applied to the Use and Instruction of the Living. And here he dealt with all the Plainness and Freedom imaginable, taking it for granted, that all Mankind must think a dying Man past all Expectations of Flattery or Complements; and that plain Dealing, which will do the most Good, would find the best Acceptance both with God and Man.

I lie here under the Sentence of Death, by the Laws of my Country, for wilful Murder. Now, I must own, that I have been a great Sinner, and that God is Righteous in all his Doings, I having, by my Sins past, justly provok'd him to Destroy me before my Time. But I must satisfy the World, as I am satisfy'd in my own Conscience, I had no former Grudge, Malice, or Enmity, against the Man whom I have Kill'd. But for as much as my Passion, at the Time of the Fact, was Outrageous, I contentedly resign and submit my self to the Sentence of the Court, as exceeding just upon me; believing it to be the Lord's doing, to fill up my Measure; and that all the rest of my Sins do in this one Sin find me out, and light upon me: Tho' the greatest Aggravation of this Crime appears to be this, that I have sent a poer Sinner out of this World, I fear, Head-long to Hell, without a Moment's Time to Repent, or think what would become of his poor Soul.

I believe those that know me, and have been acquainted with me, will think I have not wrong'd my self, or any other Person, in this Confession. And as for the other Evils, that my Heart is privy to, and many more which the All-seeing God hath observ'd in me, I think my self oblig'd only to confess to God, before whom I have humbled my self, and trust in his Mercy, my Peace is seal'd before I go hence. For what Glory can it bring to God, or what Advantage to Man, to have the Wicked triumph, and Scorners upbraid my Memory, with the private Sins and Failures of my Life?

I speak not this to cover the Multitude of my Transgressions; for I know that the great and terrible God is dreadfully angry with me for this Sin, and for all the rest that have been previous therew're. He is severely Angry for the Blood of a Man, for which I find he will admit of no Expiation, but by the Death of the Man-Slayer, because Man was made in God's Image.

I am but now in the Vigour of my Age; and, according to the Course of Nature, might have liv'd many Years in this World, had not my over-much Wickedness brought me to Die before my Time; not before God's Time, but before my Time; that is, before that Time which is usual for Man, whose Days are reckon'd Threetcore and ten, and sometimes Four-score Years; also before the Time I had probably allotted me, and which Men too often promise themselves.

My Time is fix'd, and almost finish'd. Indeed God has number'd all our Days and Years, and the Number of our Months is with him; but the Number of my Days is with my self; I my self can number my own Days; the Lord teach me to apply my Heart unto Wisdom, while numbering them. I am just now upon the Brink of the Pit: The Grave is ready for me, Upon the very Edge of Eternity am I; I say eminently so, and shall be within the Line of it very speedily. Job could say, *When a few Days are come, then shall I go the Way whence I shall not return.* But I may say, before four Days are come and gone, I shall be gone to the Place from whence I shall not return, till the Heavens be no more.

It is true, we have none of us any Lease of our Lives; we cannot say what may befall us this Night; and yet, Oazing Madness and Folly! how apt are we to depend upon to Morrow? How ready to promise to our selves many Years, as the Fool in the Gospel? But, for my part, I have my Bounds set, and told me, beyond which I cannot pass. I know, at the utmost, the Date of my Life, and Day of my Death: I may die sooner, but must not live longer. My End is in my View; I have but a few Steps thither, and had not need take any vain, unprofitable, or false ones.

I consider now, I have no Time to get Sin pardon'd, and Wrath turn'd away, if it be not done already; for in the Grave there is no Repentance, no Remission. But before four Days more pass over my Head, and oh, how swiftly do they fly away! I shall be enter'd into an eternal and unchangeable State of Misery or Happiness.

I am every Day more and more afflict'd with my deplorable Condition; and my Soul's afflict'd at the Thoughts of it; especially of this Sin, that hath brought me to Shame and Confusion. I urge this again and again, because I cannot be too much concern'd at it.

I look back upon all my Life past, and consider how I have walk'd in a Course of Sin, from Step to Step, from one Degree to another, till I arrived at this Sin, which calls for the deepest Humiliation and Contrition. But it is the Bane of Multitudes of Sinners in the World, that their Convictions of Sin are but slight, and their Humiliation superficial. But God has been pleas'd to Prick me to the Heart; yea, to break my Heart to Pieces, by bitter Weeping, Sighing, and Groaning.

I acknowledge the Holy and Righteous Hand of God, in leaving me to this Transgression, and give Glory to God for what he has done; and will say, God is just, for I have sinned: Nay, I glorifie him for this, that he can make even this Sin, at least, the Punishment attending it, a Means to bring me to Repentance for all the rest of my Sins; which else I might have

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have gone on securely in, to endless Perdition. This heinous Sin, together with my being brought to condign Punishment for the same, may, through the Grace of God, who can bring Good out of Evil, be an Occasion by its loud Cry of Blood, to awaken me out of that Sleep, from which I might else have never awaken'd, till everlasting Burnings had waken'd me.

I heartily bless God, and wonder at his Goodness therein, that he did not suddenly take me with his Stroke, as he has done many such a Sinner as I have been. Many a Drunkard has stagger'd and reel'd into the Pit; has dropp'd into Hell in a moment, and gone full of Drink into the Place, where there is not a drop of Water to cool his Tongue. I bless him, that he never choak'd me with a Lye in my Mouth, or that he did not stop my Breath, when some execrable Curse or Oath was out of the evil Treasury of my filthy rotten Heart, crawling up *that* open Sepulchre of my Throat. I Bless him, *that* he never struck me dead, when I have profan'd his Sabbaths; but oh! I Bless him for this Time of Patience and Forbearance, for a Space to repent, *that* divine long Suffering has afforded me. I Bless him, *that he hath given me a longer time of Consideration and Preparation for a latter End*, than most under my Circumstances ever had; and particularly more than *that* poor Wretch had, who was, by my unlucky Hand, hurry'd away into *Eternity in a little Time*. When I gave him his Death's Wound, Vengeance might have given me a fatal Stroke, and sent me to the Pit before him: But he is gone, and I am left, and am forborn; tho' now the Hour draws on apace, and 'tis but for a very little longer.

Then see, I fly now for Refuge, to lay hold of *that Hope that is set before me*; I fly away to the City of Refuge, where the Villain and the Blood-thirsty cannot betray me again; nor the Avenger of Blood fetch me back again. But lo, I fly to the City of the *New Jerusalem*, where all Mankind expect to find a Sanctuary; and I am assur'd from God, *that* the Door of the Tabernacle stands open to receive me. Yet I would not have the World deceive themselves, nor be deceiv'd in their own State and Condition; for I have not found it so easie a matter to Repent, and believe that Christ is able to save all Sinners. For, after all the Solicitations of the Spirit, by Fasting and Praying, and Sorrowing for Sin, Faith and Repentance are the Gift of God; and, I am assured, the certain Tokens of his Reconciliation to sinful Man.

And here, I desire to give a word or two of Advice or Warning, that, if possible, it may lead some to Repentance: For they must not expect to have any come from the Dead to warn them; but here is one that is just going to the Dead, who bequeaths them this Legacy, lest some of them, in like manner, be made Monuments of God's Wrath and Displeasure. For God has singled me out in this Case, and set me forth to be an Example to you. He might have chose some of you, to have been Examples to me, and other; but to the great Council of God, it has seem'd meet to take me, and leave you; and in taking me, has left you this solemn Warning; which, if you accept not, it shall be a Testimony against you at the last Day.

And

And because those Sins, which the present Age reckon as little Vices, are most in Practice, and least regarded, I shall caution all Christians to avoid these following rooted Evils; Cursing and Swearing, Drunkenness, Lying, and profaning the Lord's Day, which bring Men at last to the Commission of the greatest Transgressions.

Cursing and Swearing is grown so common in the Land, that you cannot pass along the Streets, but you must hear Children Curse and Swear, and take the great and dreadful Name of God in vain. Wo be to those that taught them, if they repent not, for the Lord will not hold them guiltless. They shall not only answer for their own Oaths, and Curses, and Blasphemings of God's Name, but for the Sins of those Children whom they have taught, and made to sin. Those that vainly Swear, let them read what Christ himself, the Judge of all, saith, *I say unto you, swear not at all.* With what Earnestness and Vehemency our Blessed Saviour dissuades from it? For 'tis a great Sin, and so much in Use, 'tis the harder to be avoided; and therefore the more dangerous to bring Men to Condemnation.

As to Cursing, I shall commend that solemn Text to all that are guilty of it; *As he loved Cursing, so let it come unto him, &c. Let it come into his Bowels like Water, and Oil into his Bones.* The causeless Curse shall not come, unless it be upon the Head of him that vented it. How absurd it is, that out of the same Mouth should proceed Blessing and Cursing! That we should Bless God, and Curse Men, that are made in the same Image, with the same Tongue!

The next Vice is Lying, a Sin that we learn from our Cradles, and can hardly wean our selves from it, when old. It is so eminently contrary, and so displeasing to God, that he distinguishes himself by the Title of the God of Truth. Want of Truth in ordinary Converse, utterly spoils all Conversation here; and he that loves and frames a Lye, makes a Way for himself down to the Lake of Fire and Brimstone, which is prepared for the Entertainment of such Guests.

And oh, you Drunkards! let Trembling take hold of you. God sometimes hangs up Drunkards in Chains, as Spectacles to the World; and that by snatching them away by some untimely End: Sometimes they fall into the Water, and are drown'd: Sometimes into the Fire, and are burn'd: And sometimes by other observable Providences, he sets a Mark on thos Sinners, and gives us his Testimony against the Sin,

Prophaning the Lord's Day, is a reigning Vice among you at this Day; and it was that Sin, that brought *Israel* of old to Desolation. And I must tell you all, that I feel this Sin now lying as an insupportable Load upon me; and verily believe, all that are guilty of that Sin, will find it sooner or later burdensome to them. As Men spend their Sabbaths, so they are: For 'tis well observ'd, that Religion lives and dies with the Lord's Day,



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